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2. The Summons and Complaint were served upon Defendants no earlier than March 8, 2021. True and accurate copies of the Summons and Complaint are attached hereto as Exhibit A pursuant to 28 U.S.C. § 1446(a).

3. This Notice of Removal is being filed within 30 days after the earliest receipt by Defendants of a copy of the Summons and Complaint and is timely filed in accordance with 28 U.S.C. § 1446(b).

4. From the face of the Complaint, it is apparent Plaintiff Monica Layhue alleges Defendants discriminated, retaliated, and/or interfered with Plaintiff's rights under the federal Family and Medical Leave Act, 29 U.S.C. § 2601, *et seq.* ("FMLA").

5. This Court has original jurisdiction pursuant to 28 U.S.C. § 1331. This action is removable pursuant to 28 U.S.C. § 1441(c).

6. This Court also has original jurisdiction pursuant to 28 U.S.C. § 1332(a) because there is complete diversity of citizenship of the properly joined and served parties and the amount in controversy exceeds the sum of \$75,000.

7. According to the Complaint, Plaintiff is a citizen of the state of Nebraska. (Complaint, ¶ 2.)

8. Defendant Ventra Sandusky is a limited liability company registered in Delaware. (Cupal Dec., ¶ 2.) As a limited liability company, Ventra Sandusky carries the citizenship of its members for purposes of diversity jurisdiction. *See Delay v. Rosenthal Collins Group, LLC*, 585 F.3d 1003, 1005 (6th Cir. 2009). Ventra Sandusky has a single member, K2TR Family Holdings 2, Corp., a South Dakota corporation ("KFH2") with its principal place of business at 1306 East University Avenue, Urbana, Illinois. (Cupal Dec., ¶ 2.) No KFH2 director, officer, employee, or shareholder resides in Ohio or Nebraska. No director, officer, or employee of any indirect KFH2

shareholder resides in Ohio or Nebraska. No grantor, nor the situs of trust administration, nor the residence of the trustee, nor any trust beneficiary or member of KFH2's indirect shareholders or members resides in Ohio or Nebraska. (Cupal Dec., ¶ 3.)

9. Defendant Ed McGuire's Ohio citizenship does not bar removal pursuant to 28 U.S.C. § 1441(b)(2) because this action is also removable based on the basis of jurisdiction under 28 U.S.C. § 1331 and thus is not solely removable on the basis of jurisdiction under 28 U.S.C. § 1332(a).

10. The Complaint alleges compensatory and monetary damages in excess of \$25,000 per claim. Because the Complaint alleges three claims, it contemplates an amount in excess of the \$75,000.00 jurisdictional minimum, exclusive of interest and costs.

11. In support of this Notice, the Declaration of Catherine Cupal, Director of Human Resources for the Flex-N-Gate Group of Companies, is attached as Exhibit B. The Declaration provides information regarding membership of Ventra Sandusky and the citizenship of its members.

12. Defendants have not yet moved, pled, or otherwise answered Plaintiff's Complaint. Defendants will do so within the time provided by Fed. R. Civ. P. 81(c).

13. A true and accurate copy of this Notice of Removal will be filed with the clerk of the Erie County Court of Common Pleas and will be provided to Plaintiff as required by 28 U.S.C. § 1446(d).

WHEREFORE, Defendants Ventra Sandusky, LLC and Ed McGuire respectfully request that the Court enter this case on its docket and entertain such further proceedings herein as may be proper and authorized by law.

EASTMAN & SMITH LTD.

/s/ Thomas J. Gibney
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Ventra Sandusky LLC and Ed McGuire

PROOF OF SERVICE

A copy of the foregoing has been electronically filed on April 5, 2021. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system and parties may access this filing through the Court's system.

/s/ Thomas J. Gibney
Attorney for Defendants
Ventra Sandusky LLC and Ed McGuire